

12/07/01  
J1133 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 053529-5005-US

JC835 U.S. PTO  
10/005907  
12/07/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner of Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Karl NOCKA, Gregory PIROZZI and Richard EINSTEIN

For: **NOVEL GENES ASSOCIATED WITH ALLERGIC HYPERSENSITIVITY  
AND MASS CELL ACTIVATION**

1. This is a new  Utility patent application.
2. The papers enclosed to obtain a filing date are as follows:

66 Pages of Specification including  
8 Pages of Claims  
1 Page of Abstract  
25 Pages of Sequence Listing  
29 Sheets of drawings containing 29 Figures  
 The enclosed drawings are photographs, and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney



Enclosed and is executed by all inventors  
Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of  
the time set for filing the Declaration and paying the filing fees.

4. Language

  

English

Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

Priority of the following foreign application is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
|         |                 |       |
|         |                 |       |

Certified copy:  is attached.  will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

Priority of the following provisional application(s) is claimed:

| Application No. | Filed            |
|-----------------|------------------|
| 60/251,835      | December 8, 2000 |
| 60/275,479      | March 14, 2001   |
| 60/279,115      | March 28, 2001   |
| 60/280,143      | April 2, 2001    |

8. Small entity status

Applicant(s) hereby assert(s) small entity status under 37 C.F.R. § 1.27.

9. Fee Calculation (37 C.F.R. §1.16)

|  | Number Filed | Number Extra | at Rate of | Basic Fee                           |
|--|--------------|--------------|------------|-------------------------------------|
|  |              |              |            | Utility \$740.00<br>Design \$330.00 |
| <b>BASIC FEE</b>   |              |              |            |                                     |
| Total Claims<br>(37 C.F.R. §1.16(c))                     | - 20 =       |              | 18.00      |                                     |
| Independent Claims<br>(37 C.F.R. §1.16(b))               | - 3 =        |              | 84.00      |                                     |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) |              |              | 280.00     |                                     |
| <b>SUB-TOTAL =</b>                                       |              |              |            |                                     |
| Reduction by 1/2 for filing by a small entity            |              |              |            |                                     |
| <b>TOTAL FILING FEE =</b>                                |              |              |            |                                     |

10. Fee Payment

Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

Enclosed.

A check in the amount of \$\_\_\_\_\_ representing the basic filing fee of \$740.00 and an assignment recording fee of \$40.00 is enclosed

11.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449, \_\_\_\_\_ document included
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

*Michael S. Tuscan*  
*Michael S. Tuscan*

*Reg. No. 43,210*

*for* F. Pierre VanderVegt, Ph.D.  
Reg. No. P-49,088

Dated: December 7, 2001

**Customer No. 09629**

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PATENT  
ATTORNEY DOCKET NO. 53529-5005-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
K. NOCKA *et al.* )  
Application No.: Unassigned ) Group Art Unit: Unassigned  
Filed: December 7, 2001 ) Examiner: Unassigned  
For: NOVEL GENES ASSOCIATED WITH )  
ALLERGIC HYPERSENSITIVITY AND )  
MAST CELL ACTIVATION )

## Box Sequence

**Commissioner for Patents  
Washington, D.C. 20231**

**STATEMENT ACCOMPANYING SEQUENCE LISTING**

Dear Sir:

The undersigned hereby states upon information and belief that the information recorded on the diskette submitted concurrently herewith is identical to the written Sequence Listing submitted herewith.

Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 7, 2001

By: F. Pierre VanderVegt  
F. Pierre VanderVegt

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